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December 22, 2020

VIA ECF

Hon. Edgardo Ramos **United States Courthouse** 40 Foley Square

New York, NY 10007-1312

Re:

Mayra Joana Macas v. Olive Nail & Spa Inc. et al.

Case No. 18-cy-10525-ER

Dear Judge Ramos:

This office represents Plaintiff in the above referenced matter. We write to clarify

Plaintiff's settlement motion filed on December 2, 2020 and denied on December 9, 2020.

Plaintiffs counsel calculated back pay/wages owed to be 22,283.50. However, the \$32,128.91 total

was incorrect; the correct total owed<sup>1</sup> as of December 9, 2020 is 53,901.95<sup>2</sup>. Thus, Plaintiff's

settlement (before deducting attorney fees and costs) is approximately 46% of the total damages

estimate. We hope this letter clarifies the issues raised in the December 9, 2020 Order. Therefore,

we respectfully request the settlement be approved.

Thank you for your consideration in this matter.

Respectfully Submitted,

/s/ Gennadiy Naydenskiy

<sup>1</sup> Including liquidated damages, spread of hours, and interest.

<sup>2</sup> Calculations are attached herein as Exhibit A. The difference between Your Honor's calculations and the attached chart herein is because prejudgment interest in the chart continued to accrue from March 19, 2019 to December 9,

2020.

Gennadiy Naydenskiy

## EXHIBIT A

Plaintiff	Pay P From	Period To	No. Weeks in Pay Period	Hours Per Week in Period	No. of SOH Days Per Wk in Period	Calc. Regular Rate of Pay	Calc. OT Rate of Pa		Minimum Wage Rate	Minimum Overtime (OT)	Lawful Weekly Pay	"Credited" Weekly Pay	Underpay Per We		Unpaid Vages & OT	Liq. Damages on Wages & OT
Mayra Joana Macas	8/1/2016	12/30/2016	22	40.25	1	\$ 5.96	\$ 8.	94 \$	9.00	\$ 13.50	\$ 363.38	\$ 240.00	\$ 12	3.38 \$	2,714.25	\$ 2,714.25
	12/31/2016	12/30/2017	52	40.25	1	\$ 5.96	\$ 8.	94 \$	11.00	\$ 16.50	\$ 444.13	\$ 240.00	\$ 20	4.13 \$	10,614.50	\$ 10,614.50
	12/31/2017	10/20/2018	42	40.25	1	\$ 8.20	\$ 12.	30 \$	13.00	\$ 19.50	\$ 524.88	\$ 330.00	\$ 19	4.88 \$	8,184.75	\$ 8,184.75
	10/21/2018	11/3/2018	2	50	0	\$ 6.60	\$ 9.	90 \$	13.00	\$ 19.50	\$ 715.00	\$ 330.00	\$ 38	5.00 \$	770.00	\$ 770.00
								***************************************								
													Total:	\$	22,283.50	\$ 22,283.50
			1	This chart is based up	on preliminary information	ffs.										
			2	Plaintiffs reserve the r	Plaintiffs reserve the right to correct or amend this chart.											
			3	3 This Chart was prepared without the benefit of discovery, or the benefit of Defendants' required wage and hour records under the FLSA and NYLL.												
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Plaintiff	Pay F From	Period To	Unpaid Spread of Hours (SOH) Pay	Liq. Damages on unpaid SOH	Annual Wage Notice	Weekly Wage Statement	Pre Jud. Interest (PJI) on OT & Wages	(PJI) Spread of Hours	Tools of Trade	Total Per Period	
Mayra Joana Macas	8/1/2016	12/30/2016	\$ 198.00	\$ 198.00			\$ 1,014.72	\$ 74.02		\$	6,913.25
	12/31/2016	12/30/2017	\$ 572.00	\$ 572.00			\$ 3,291.67	\$ 177.38		\$	25,842.06
	12/31/2017	10/20/2018	\$ 546.00	\$ 546.00			\$ 1,873.20	\$ 124.96		\$	19,459.66
	10/21/2018	11/3/2018	-	-			\$ 146.99	-		\$	1,686.99
			\$ 1,316.00	\$ 1,316.00	\$ -	\$ -	\$ 6,326.58	\$ 376.37	\$ -	•	53,901.95
			Ψ 1,310.00	Ψ 1,310.00	Ψ -		φ 0,320.30	ψ 3/0.3/	-	Ψ	33,301.33
			Filing Date		11/13/2018						
			FLSA		11/13/2015						
			NYLL		11/13/2012						
			Amendment		4/9/2011						
			Today		12/9/2020						
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